In the Claims:

Please cancel claim 1.

33. (Once Amended) An apparatus for maintaining a body lumen opening comprising a stent having a tubular shaped body wall with a linear central axis when said stent is in a relaxed state, wherein (a) said body includes a flared distal end and a flared proximal end and a bulbous middle section for the purpose of providing resistance with a lumen wall upon installation of said stent in said lumen and (b) said stent is constructed of a material that is collapsible to facilitate insertion in said lumen, and expandable after placement in said lumen.

34. (New) An apparatus as recited in claim 33 wherein said stent is constructed entirely of bioabsorbable material.

## REMARKS

The Office Action objects to the length of the Abstract, and to an incorrect item number in the specification. In response, Applicants have amended the Abstract and the specification.

Applicants have cancelled claim 1 and added new claim 34. The remaining claims are independent claim 33, and claims 13-15, 28, and 34, which depend directly or indirectly upon claim 33.

Claims 13 and 33 are rejected under 35 U.S.C. 102(b) as anticipated by Lyman. Applicant respectfully traverses this rejection for the following reasons: The apparatus of Lyman is not a stent. It is a ureter prosthesis, which is an artificial device for replacing a missing part of a body; in this case, a portion of a urethra. Also, the flared ends and bulbous middle of the device of Lyman are not for securing a stent, but instead the bulbous and flared parts are for ease of inserting a needle for stitching so as to sew/stitch the prothesis to the urethra (col. 4, lines 11-27). The apparatus of Lyman is different from that of claim 33 of the present application. Lyman's device includes a duct 10, which is the key element, which has a key feature of a microscopically smooth inner surface (col. 3, lines 51-62). This is the important part of Lyman's device, which passes the fluid, i.e. replaces the damaged portion of the urethra. The

bulbous and flared portions are a foam which is used to stitch the duct 10 to the urethra wall. In contrast, the stent of claim 33 does not replace a portion of a lumen, but instead supports the lumen, holding it in an open state, but does not effectively replace it. Also, the stent does not require a microscopically smooth surface.

Claim 33 now includes the content of cancelled claim 1, i.e. the stent's flared ends and bulbous middle. As explained above, the apparatus of Lyman is a not a stent, and does not have the function of reinforcing a functional lumen. Instead, Lyman's device replaces the lumen. The foam coating of Lyman is not for interference with a lumen wall so as to retain a stent in position, as is the case in independent claim 33. Claim 33 specifies the purpose of the stent configuration as "providing resistance with a lumen wall". In addition, in order to further clarify claim 33 as a stent, and to distinguish claim 33 from the device of Lyman, Applicant has amended claim 33 to include the "collapsible" and "expandable" language. Claim 13 is further distinguished through the coating on the outside wall to retain the stent in position.

The Office Action rejects claims 33, 13, and 28 under 35 U.S.C. 102(b) as anticipated by Porter. The device of Porter is a stent, but it does not have the shape specified by independent claim 33. Furthermore, regarding claim 13, the "sheath" 38 of Porter is not a coating on the stent as recited by claim 13. The sheath of Porter is used to hold the stent in a compressed state while it is being inserted through a lumen on the end of a catheter (col. 6, lines 44-48). Once the stent is in place, the sheath is withdrawn, causing the stent (without the sheath) to expand into its final configuration and position (col. 7, lines 17-25). Applicant therefore believes that claims 33 and 13 over Porter, and that claim 28 is distinguishable since it is dependent on claim 33.

Claims 14, 15 and 28 are rejected under 35 U.S.C. 103(a) as unpatentable over Lyman in view of Razavi. Applicant respectfully traverses this rejection in view of the discussion above in reference to the 35 U.S.C. 102 rejection in reference to Lyman. The stent of Razavi does include a coating; but the configuration is not the same as that of claim 33, and the Lyman device is not a stent. Applicant therefore believes that Lyman and Razavi cannot be combined to describe claims 14, 15 and 28, which are dependent on allowable claim 33.

Applicant has added a new dependent claim 34 in which the stent is constructed entirely of bioabsorbable material. This alternative embodiment is described in the specification. See page 3, lines 3-4; page 8, lines 20-21; page 11, lines 21-22. Applicant points out that construction of a stent entirely of bioabsorbable material is not taught by Razavi.

## CONCLUSION

Applicant has amended the specification and abstract as required. The claims have been amended to distinguish them from the cited references. Applicant believes the claims are now in condition for allowance.

If any further questions should arise prior to a notice for allowance, the Examiner is respectfully invited to contact the attorney at the number set forth below.

Respectfully submitted,

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I, Diana Dearing, certify that the enclosed papers are being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on September 3, 2002.